

**ORDINANCE NO. 2011-\_\_\_\_\_**  
**OF THE TOWN OF ZIONSVILLE, INDIANA**

AN ORDINANCE AMENDING THE ZIONSVILLE TRAFFIC CODE  
WITH RESPECT TO AUTOMATED TRAFFIC SIGNALS  
IN THE TOWN OF ZIONSVILLE  
PURSUANT TO INDIANA CODE §9-21-3

WHEREAS, Indiana Code §9-21-3 confers upon the Town Council of the Town of Zionsville, Indiana (“Town”) the power to designate traffic control signals on streets and roads under or within the Town’s jurisdiction and adopt any other traffic regulations specifically authorized by Indiana Code Article 9-21; and

WHEREAS, on September 2, 2008, the Town Council adopted Ordinance 2008-21, abolishing the office of Town Marshal and creating the Board of Metropolitan Police Commissioners and the office of Chief of Police for the Zionsville Police Department. Certain references to the Town Marshal and deputies remain unchanged in the Town’s Traffic Code and should be removed with references made to the Chief of Police; and

WHEREAS, by an Order from the Zionsville Town Judge, executed November 15, 2005, the Zionsville Town Court established the Zionsville Town Court Traffic Violations Bureau, including a Schedule of Violations setting forth specific fines and costs for various traffic charges, which have superseded the penalties provision of the Zionsville Traffic Code; and

WHEREAS, State Road 334 was previously a state highway running through the Town, which included automated traffic signals at certain intersections that were governed by the Indiana Department of Transportation under State law as being on a state highway; and

WHEREAS, the Indiana Department of Transportation transferred to the Town the authority and responsibility for State Road 334, effective as of May 24, 2011, pursuant to that certain Road Transfer Memorandum of Agreement, including the automated traffic signals at Ford Road and at South Main Street; and

WHEREAS, two (2) other intersections regulated by automated traffic signals were incorporated into the Town as a result of the government reorganization, effective as of January 1, 2010, which have not been codified into the Town's Traffic Ordinance; and

WHEREAS, to incorporate the automated traffic signal intersections into the Town’s jurisdiction and control and to allow enforcement of such signals by the Zionsville Police Department, provisions describing and itemizing such intersections must be added to the Town’s Traffic Code in the Code of Ordinances as required by Indiana law; and

WHEREAS, the Town Council of the Town of Zionsville has determined that it is in the best interest of the Town and its residents and more effective traffic control to amend Section 7

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of the Zionsville Code of Ordinances to amend the necessary provisions and add the automated traffic signal intersections described herein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, Indiana, that:

1. Traffic Code Ordinance Amendments.
  - a. References to “Town Marshal” and “Deputy Marshals”.

Chapter 7 of the Zionsville Traffic Code, is hereby amended by deleting therefrom any and all references to “Town Marshal” and “Deputy Marshals” and replacing each reference to “Town Marshal” with the term “Chief of Police” and each reference to “Deputy Marshals” or “Deputies” with the term “Police Officers”.

- b. Traffic Violation Penalties.

Chapter 7, Article I, of the Zionsville Traffic Code, is hereby amended by deleting in its entirety the current provision in Section 7-17(a), "Penalties", and inserting in its place the following:

**Penalties.** The Schedule of Violations, adopted by Order of the Zionsville Town Court on November 15, 2005, is incorporated into the Zionsville Traffic Code in its entirety. Each violator of any provision of this Article I-Traffic Control, of the Zionsville Traffic Code, shall pay a fine and penalty to the Town in the amount set forth in such Schedule of Violations or as determined by the Zionsville Town Court in any of its proceedings.

- c. Addition of Automated Traffic Signal Intersections.

Chapter 7, Article I, of the Zionsville Traffic Code is hereby amended by adding a new Section 7-20, regarding automated traffic signals, as follows:

**7-20 Automated Traffic Signals and Stop/Yield Intersections**

(a) Automated traffic control signals shall be established at the following Town intersections:

1. Ford Road and West Oak Street (formerly S.R. 334)
2. South Main Street and Sycamore Street (formerly S.R. 334)

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3. Zionsville Road and Technology Center Drive
4. Zionsville Road and 96<sup>th</sup> Street

(b) Any and all automated traffic control signals lawfully established prior to the codification of this Section 7-20 shall remain in full force and effect.

(c) The Zionsville Street Department shall promptly post all appropriate signals, signs and/or markings at the intersections listed in subsection (a) herein if not already appropriately marked.

(d) Each automated traffic control signal on a street or highway within the Town must conform with the standards, specifications, and warrants set forth in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.

(e) A person who violates IC Section 9-21-3-7, -8, or -9 regarding automated traffic signals commits a Class C infraction. A judgment of up to five hundred dollars (\$500) may be entered for a violation constituting a Class C infraction.

2. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

3. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

4. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

5. Duration and Effective Date. The provisions of this Ordinance shall become effective immediately and remain in full force and effect until repeal by ordinance.

Introduced and filed on the \_\_\_\_ day of November, 2011. A motion to consider on First Reading was sustained by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed, pursuant to Indiana Code §36-5-2-9.8.

**DULY PASSED AND ADOPTED** this \_\_\_\_ day of November, 2011, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

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TOWN OF ZIONSVILLE, INDIANA  
BY ITS TOWN COUNCIL

\_\_\_\_\_  
Matthew M. Price, President

\_\_\_\_\_  
For

\_\_\_\_\_  
Opposed

\_\_\_\_\_  
Timothy R. Haak

\_\_\_\_\_  
For

\_\_\_\_\_  
Opposed

\_\_\_\_\_  
Welton W. Harris II

\_\_\_\_\_  
For

\_\_\_\_\_  
Opposed

\_\_\_\_\_  
Steven W. Mundy

\_\_\_\_\_  
For

\_\_\_\_\_  
Opposed

\_\_\_\_\_  
Jeffrey L. Papa

\_\_\_\_\_  
For

\_\_\_\_\_  
Opposed

\_\_\_\_\_  
Valerie R. Swack

\_\_\_\_\_  
For

\_\_\_\_\_  
Opposed

\_\_\_\_\_  
Candace L. Ulmer

\_\_\_\_\_  
For

\_\_\_\_\_  
Opposed

ATTEST:

\_\_\_\_\_  
John J. Yeo  
Zionsville Clerk/Treasurer

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